

REMARKS

This Amendment is responsive to the Office Action dated November 18, 2004.

Claims 1-20 are pending in the application. Of those claims, claims 1-7 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, namely, that there is no antecedent basis for "the body" in claim 1, but would be allowable in rewritten to overcome the rejection. Claim 20 stands rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carapellotti.

Applicant has reviewed claim 1 in light of the rejection under 35 U.S.C. 112, second paragraph, and notes that the basis for the rejection is the result of a typographical error only. To correct the typographical error, Applicant herein amends claim 1 to include the term "members" after the term "body". Such amendment is in no way considered to be a further limiting of the subject claim.

Claim 20 is cancelled, without admitting anticipation and/or obviousness.

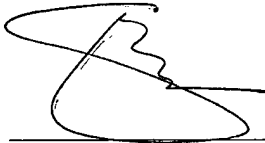
All of the claims remaining in the subject application, namely, claims 1-19, are believed to be patentably distinguishable over the cited prior art and allowable. The cited prior art does not disclose a combined nutcracker and bottle opener including all of the novel features as set forth in the subject claims. Accordingly, favorable action and allowance of all of the claims is respectfully requested.

No fee is believed to be due with submission of the present Amendment. The Commissioner is hereby authorized to charge any fee due, credit, or deficiency to Deposit Account No. 08-1280.

If the Examiner has any further requirements or suggestions for placing the present claims in condition for allowance, Applicant's undersigned attorney would appreciate a telephone call at the number listed below.

Respectfully submitted,

HAVERSTOCK, GARRETT & ROBERTS LLP



Stephen R. Matthews

Reg. No. 34,384

611 Olive Street, Suite 1610

St. Louis, Missouri 63101

(314) 241-4427

December 14, 2004

srm/3719amd.doc